

REMARKS

Claim 21 has been amended. Claims 1-23 remain for further consideration. No new matter has been added.

The objections and rejections shall be taken up in the order presented in the Official Action.

1. Claims 21-23 currently stand rejected for allegedly failing to point out and distinctly claim the subject matter deemed to be present in the invention.

Claim 21 has been amended.

2. Claims 1-5 currently stand rejected for allegedly failing to define a statutory process.

35 U.S.C. §101 states “[whoever] *invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.*” (emphasis added). The Court in *In Re Bilski* asserted that “[the] Supreme Court... has enunciated a definitive test to determine whether a process claim is tailored narrowly enough to encompass only a particular application of a fundamental principle rather than to pre-empt the principle itself. A claimed process is surely patent-eligible under §101 if: (1) it is tied to a particular machine or apparatus, or (2) it transforms a particular article into a different state or thing.” 545 F.3d 943, 954 (Fed. Cir. 2008).

Claim 1 recites a method of data exchange in a vehicle multimedia system that includes an interface unit and a plurality of multimedia units each connected to a data bus in the vehicle. The method includes:

“establishing a radio connection between the interface unit and an external unit;
 receiving from the multimedia units requests for the radio connection with the external unit; and
 coordinating/arbitrating at the interface unit requests for radio connection to the external unit.” (cl. 1, emphasis added).

Thus, claim 1 clearly ties each feature to a particular machine or apparatus, specifically an interface unit, an external unit, and/or multimedia units. Therefore, it is respectfully submitted that claims 1-5 recite patentable subject matter as required under 35 U.S.C. §101 according to the test enunciated by the United States Supreme Court.

3. Claims 1-5 currently stand rejected under 35 U.S.C. §103(a) for allegedly being obvious in view of U.S. Patent 5,896,554 to Itoh et al. (hereinafter “Itoh”).

Claim 1

ITOH DOES NOT DISCLOSE THE FEATURES OF THE CLAIMED INVENTION

Claim 1 recites a method of data exchange in a vehicular multimedia system that includes an interface unit and a plurality of multimedia units each connected to a data bus in the vehicle. The method includes:

“establishing a radio connection between the interface unit and an external unit;
 receiving from the multimedia units requests for the radio connection with the external unit; and
coordinating/arbitrating at the interface unit requests for radio connection to the external unit.” (cl. 1, emphasis added).

In contrast, Itoh teaches that “[*it*] is... *an object of the invention to provide an automobile-mounted apparatus for monitoring the status of use of a car radio, which is capable of collecting*

use-related data on the basis of the person actually in the driver's seat and/or passengers in the automobile, and data on idle time in which the driver or the passengers could have turned ON the car radio but actually did not do so.” (col. 2, lines 17-23, emphasis added). That is, Itoh teaches the monitoring and use of a car radio and not multimedia units. Therefore, Itoh fails to teach or suggest the feature of “*receiving from the multimedia units requests for the radio connection with the external unit...*” (cl. 1, emphasis added).

THE OFFICIAL ACTION INCORRECTLY TAKES OFFICIAL NOTICE

The Official Action takes Official Notice that “[it] *would have been obvious to one having ordinary skill in the art at the time the invention was made to coordinate at the car radio for radio connection with the radio stations that have highest priority first then the stations that have lowest priority.*” (pg 5). Applicants disagree with and traverse the Action’s Official Notice. It is respectfully submitted that the aforementioned Official Notice is based upon an improper reading of Itoh. Specifically, Itoh teaches that “[the] *local oscillation is detected by placing a pick-up coil adjacently to the local oscillator at the tuner of car radio 11. A single pick-up coil placed at a point sufficiently close to the local oscillator of AM tuner in common to both AM and FM local oscillators has proven to be sufficient because of the relatively high level leakage energy from the local oscillator of FM tuner.*” (col. 10, lines 12-18). “...[If] *all the AM and FM radio stations to which car radio 11 is tunable are to be identified, it would take impractically long time to cover all the possible frequencies. To avoid this problem, the present system adopts a three-layered grouping of radio stations classified depending on priority as follows, so that radio stations of higher priority are surveyed first, followed by those of intermediate priority and then by those of low priority: (a) Radio stations within the target district to be covered by the*

survey (highest priority); (b) Satellite (relay) radio stations within the target district to be covered by the survey (intermediate priority); and (c) Radio stations outside the district of interest.” (col. 10, line 58 to col. 11, line 3). Thus, according to a fair and proper reading of Itoh, the oscillator, the pickup coil and the car radio, merely match the frequency of the incoming radio signal with known frequencies to determine the identity of the broadcasting radio station. As a result, Itoh is incapable of teaching or suggesting the feature of “*coordinating/arbitrating at the interface unit requests for radio connection to the external unit.*” (cl. 1, emphasis added).

For all the foregoing reasons, it is respectfully submitted that Itoh fails to teach the features recited in claim 1.

Claims 2-5

It is respectfully submitted that this rejection is now moot since claim 1 is patentable for at least the reasons set forth above.

4. Claims 1-3, 6-9, 11-16 and 18, 19, and 21 currently stand rejected for allegedly being obvious in view of U.S. Patent 5,801,865 to Weis et al. (hereinafter “Weis”).

Claim 1

Claim 1 recites a method of data exchange in a vehicular multimedia system that includes an interface unit and a plurality of multimedia units each connected to a data bus in the vehicle. The method includes:

“establishing a radio connection between the interface unit and an external unit;
 receiving from the multimedia units requests for the radio connection with the external unit; and
coordinating/arbitrating at the interface unit requests for radio connection to the external unit.” (cl. 1, emphasis added).

The Official Action takes Official Notice that “[it] would have been obvious to one having ordinary skill in the art at the time the invention was made to use the central terminal unit (15) that has the interface (18) connected to the transmission network (19) for coordinating the request for radio connection from a terminal device to a global communication network.” (pg 7).

Applicants disagree with and traverse the Action’s Official Notice. It is respectfully submitted that the aforementioned Official Notice is based upon an improper reading of Weis. Specifically, Weis teaches that “[in] known radio networks, such as the GSM (Global System for Mobile Communication), the subscriber can use different service (voice, fax, data), by selecting the corresponding terminal.” (col. 1, lines 22-25, emphasis added). That is, using a GSM, the subscriber (i.e., the user) selects which service device he/she uses by, for example, using the desired terminal. Weis further teaches that “[the] central terminal control 15, which is connected on the receiving and the transmitting side with the common HF-transmitting and receiving device 22, has the following functions: (a) Development of a radio protocol; in other words, the central control 15 is a signalization point e.g. for a GSM protocol being used....” (col. 2, line 64 to col. 3, line 3). Thus, according to a fair and proper reading of Weis, the subscriber/user manually selects which service/terminal 12, 13, 14 is to be signaled, using the central control 15 as a signalization point, for the GSM protocol. Therefore, Weis fails to teach the feature of “coordinating/arbitrating at the interface unit requests for radio connection to the external unit.” (cl. 1, emphasis added). As a result, it is respectfully submitted that Weis is incapable of anticipating the claimed invention.

Claims 6 and 13

It is respectfully submitted that claims 6 and 13 are patentable for at least the reasons set forth above with respect to claim 1.

Claim 21

It is respectfully submitted that claim 21 is patentable for similar reasons as set for the above with respect to claim 1. Specifically, Weis teaches that a subscriber/user selects which service/terminal 12, 13, 14 is to be signaled using the central control 15 as a signalization point. Therefore, Weis is incapable of teaching the feature of “an electronic means for establishing coordinated requests received over the data bus from the multimedia units for radio connections to the external unit.” (cl. 21, emphasis added).

Claims 2-3, 7-9, 11-12, 14-16 and 18-19

It is respectfully submitted that this rejection is now moot since claims 1, 6, 13 and 21 are patentable for at least the reasons set forth above.

5. Claims 4, 5, 20, 22 and 23 currently stand rejected for allegedly being obvious in view Weis and U.S. Patent 5,574,514 to Tanihira et al. (hereinafter “Tanihira”).

It is respectfully submitted that this rejection is now moot since claims 1 and 21 are patentable for at least the reasons set forth above.

For all the foregoing reasons, reconsideration and allowance of claims 1-23 is respectfully requested.

If a telephone interview could assist in the prosecution of this application, please call the undersigned attorney.

Respectfully submitted,

A handwritten signature in cursive script, reading "Patrick J. O'Shea / kmf". The signature is written in dark ink and is positioned above the typed name and address.

Patrick J. O'Shea
Reg. No. 35,305
O'Shea Getz P.C.
1500 Main Street, Suite 912
Springfield, MA 01115
(413) 731-3100, Ext. 102